

**REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL**  
**TUESDAY, July 7, 2009**  
**7:30 p.m.**

Mayor Ray Ewing called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Council member Fravel gave the invocation.

Roll call showed the following present:

Vice Mayor Joy Shull, Council member Ronald Bowers; Council member Linden A. Fravel, Jr., Council member Michael Grim, Council member James Harter, Council member Joseph Hollis.

Staff present: Mike Kehoe, Town Manager: Brian Henshaw, Town Planner; David Griffin, Town Attorney; Dianne MacMillan, Town Clerk; Charles Bockey, Police Chief

Press: J.R. Williams, Northern Virginia Daily; Rob Snyder, Winchester Star

Guests: None

**AGENDA**

Mayor Ewing asked that the Agenda be amended to add a Closed Session. Council member Harter moved that the Agenda with addition of a Closed Session be adopted as amended and the motion passed.

**PUBLIC COMMENTS**

None

**PUBLIC HEARINGS**

**A. Amendment to Town Code-Chapters 1, 7 and 23 – Floodplain Ordinance**

Mayor Ewing introduced the public hearing on amendments to Town Code Chapters 1 and 23 and repealing Chapter 7 which was the floodplain ordinance prior to adding it to the zoning ordinance.

Mr. Kehoe advised that the flood plain map was amended several years ago and reduced the floodplain area. Residences in areas that were prone to flooding are not now in that area and the flood plain area in the town is very minimal

Mayor Ewing opened the public hearing and asked for comments or questions. There being none, the public hearing was closed.

## **MINUTES – June 2, 2009 Regular Meeting**

Council member Harter moved for approval of the minutes of June 2, 2009 as presented and the motion carried by the following vote:

### **Recorded Vote:**

Vice Mayor Shull	-	Aye	Nays - None
Council member Bowers	-	Aye	Absent - None
Council member Fravel	-	Aye	Abstain - None
Council member Grim	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

## **POLICE REPORT**

The Mayor asked for questions or comments regarding the police report. Chief Bockey reported that he ordered ballistic vests for police personnel; level 3A which were the best ballistic vests available. He said he ordered them through a federal grant, obtained discounts from the manufacturer as well and since the federal grant is a 50% match the cost would be cut appreciably. He further reported that he would be going to a meeting next month regarding a DMV grant he applied for. He added that attendance was mandatory but the town may not receive all he applied for. The Mayor asked what the grant money would cover and he was advised that it would include camera equipment for every car, radar units and other small equipment. The Police report was accepted as presented.

## **ACTION AGENDA**

### **A. Amendments to Town Code – Floodplain Ordinance**

Mayor Ewing asked for comments from council regarding the ordinance. Council member Fravel pointed out an inconsistency in the strikethroughs and it was determined it was a typo. Mayor asked if the wording would remain unchanged and he was told it would. He asked if this was in compliance with state model and requirements. Mr. Henshaw said that the changes are standardized following the model ordinance and added that the Planning Commission recommended approval at a special meeting. Council member Fravel asked if Stephens Landing was in compliance. Mr. Kehoe said there were no basements in the original floodplain area and that original area was no longer designated as a floodplain. Mr. Henshaw said the changes in the floodplain showed very little property in the town affected.

Council member Hollis moved to approve the changes to the ordinance as presented. The motion was passed with the following recorded vote:

### **Recorded Vote:**

Vice Mayor Shull	-	Aye	Nays - None
Council member Bowers	-	Aye	Absent - None
Council member Fravel	-	Aye	Abstain - None
Councilmember Grim	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

## **B. Recommendation Endorsing MPO Conceptual Transit Services Plan**

Mayor Ewing asked Mr. Henshaw to review action on the MPO plan. Mr. Henshaw said it came from the MPO policy board which decided to forward all studies to the jurisdictions for their recommendations or input before the board takes action. He said this would give the board an idea if the jurisdictions were behind the project prior to approval. Mr. Henshaw explained that the plan deals mainly with the greater Winchester area with outreach to Frederick County areas. He said the plan highlighted the need for public transportation and Stephens City would mainly be affected by getting one or maybe two stops in town as transit services move en-route to Lord Fairfax and with a mass transit option for town residents to get into Winchester.

The Mayor asked for questions or comments. There were none and he asked for a motion.

Council member Bowers moved that the Council of the Town of Stephens City endorse the MPO Conceptual Transit Service Plan. The motion passed with the following recorded vote:

### **Recorded Vote:**

Vice Mayor Shull	-	Aye	Nays - None
Council member Bowers	-	Aye	Absent - None
Council member Fravel	-	Aye	Abstain - None
Councilmember Grim	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

## **C. Appointments to Planning Commission and Historic Preservation Commission**

Mayor Ewing said each appointment to the Planning Commission and Historic Preservation Commission would be for a four year term expiring June 3, 2013. He said that William Copp had agreed to serve another term on the Planning Commission and that Byron Smith and Ben Cooley had agreed to serve additional terms on the Historic Preservation Commission. He asked for a motion to appoint those citizens to serve.

Council member Fravel moved to appoint William Copp to the Stephens City Planning Commission for a four year term to expire 6/30/2013 and Byron Smith and Ben Cooley to four year terms on the Historic Preservation Commission both to expire 6/30/2013. The motion passed with the following recorded vote:

### **Recorded Vote:**

Vice Mayor Shull	-	Aye	Nays – None
Council member Bowers	-	Aye	Absent - None
Council member Fravel	-	Aye	Abstain - None
Councilmember Grim	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

Mayor Ewing informed Council that Charles Poffenberger had retired from the Board of Zoning Appeals and a new member would have to be appointed in the near future.

## **COMMITTEE REPORTS**

### **A. Water/Sewer Committee – Joy Shull, Chair**

Vice Mayor Shull said that the report of the Committee was distributed with the agenda and entertained any questions. There were none.

### **B. Public Works Committee – Michael Grim, Chair**

Council member Grim said the report of Public Works Committee was likewise distributed to Council member and contained general information.

### **C. Parks & Recreation Committee – Ronald Bowers, Chair**

Council member Bowers thanked the Scouts for replacing the fence at the park surrounding the playground. He suggested a certificate of appreciation be awarded to those who provided the labor for the project.

Council member Bowers further advised that a group of veterans have been working with the Committee on constructing a war memorial at the Commons. He said that they have been gathering concepts for the memorial and a location has been identified. He noted that Stephens City was one of the few towns that did not have a war memorial within the town limits.

### **D. Personnel Committee – James Harter, Chair**

No report

## **PLANNER'S REPORT – Brian Henshaw**

Mr. Henshaw noted that the HPC forwarded a letter to Council concerning signage within the town. It suggested that when Council addresses the sign ordinance consideration be given to ways of harmonizing the standards between the designated Historic District and the areas directly adjacent to it. They noted that enforcement of two conflicting regulations was difficult.

He reported that the Town did receive an additional \$200,000 for the 2009 round of the Enhancement Grant funds for the North Main Street Sidewalk Extension and Enhancement. He added that everything was progressing nicely and RFP for engineering services will be due on July 22, 2009. He said he planned to make application for another enhancement grant to continue the project within the next several months which would be due in October or November.

Mr. Henshaw said he planned to apply for another grant through DCR for recreational trails. He added that it was a smaller grant but it would be useful. He advised that it could finish the paving on the Stephens Run Trail and design and engineer a connection to the planned bypass to the ten foot shared use trail. He said it was not an involved application and would

result in a 80-20 grant. He said Council would be required to adopt a resolution supporting the application.

Vice Mayor Shull moved that the Council of the Town of Stephens City authorize Mayor Ewing to sign a resolution of support for the grant application through the DCR for recreational trails. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye	Nays - None
Council member Bowers	-	Aye	Absent - None
Council member Fravel	-	Aye	Abstain - None
Councilmember Grim	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

### **TOWN MANAGERS REPORT**

1. Mr. Kehoe reported that road work was stalled on Mulberry St because VDOT rejected the storm drain and they were now waiting on the right size to be installed. He added that the town public works crew was trying to keep the gravel off the street.
2. He reported that the large brush pile at the yard waste site was chipped by Shenandoah Valley Construction. He said the site was heavily used so far this year. Council member Fravel noted that the site had been abused with citizens leaving other kinds of trash and large household items. Council member Hollis suggested that a sign be put up listing what was and was not allowed to be dropped off.
3. Mr. Kehoe said that the Cruise-In would go on this year with the Valley Cruisers instead of Clem's Garage as sponsor. It would be held on Saturday, July 18<sup>th</sup>. He stated that the Route 11 Yard Crawl would be held on August 8<sup>th</sup> and these would be the two major activities in the center of town this summer. He added that the town was receiving applications for the use of the Commons at a steady rate for all kinds of activities.
4. He reported that he would be attending a workshop on funding for infrastructure projects and hopefully learn how to qualify for some stimulus money possibly for sewer repairs.
5. Mr. Kehoe reported that the town picked up a new business at 5343 Main Street – an antique business to be operated by Mayor Ewing. He said it would be good to see an empty store renovated and in use.
6. He said he was getting prices to replace the railing on Main Street damaged by a fire truck. He said he would receive prices to replace existing pipe railings or install an ornamental railing.

7. Mr. Kehoe said that Kathy Monk who had been treasurer since 2007 resigned on June 25th due to medical reasons. He said the position had been advertised and applications would be accepted through July 15<sup>th</sup>. He added that he hoped to have someone on board by the next Council meeting.

Mayor Ewing stated that since application cutoff was July 15<sup>th</sup>, he would call a meeting of the Office of Mayor for the 16<sup>th</sup> at 5:00 p.m. to review applications. He said this would include the Chairs of Personnel Committee, Finance Committee, the Town Manager and the Mayor. He added that depending on how quickly the process moved along, he could call a special meeting of the Council for appointment of Treasurer.

### **COUNCIL COMMENTS/CALENDAR**

Mayor Ewing noted that the Administrative Committee would meet on July 8, 2009 at 5:00 p.m. to consider changes to the noise ordinance.

### **MOTION FOR CLOSED MEETING**

Date: July 7, 2009

Motion By: Vice Mayor Shull

Vice Mayor Shull moved that the Council of the Town of Stephens City enter Closed Session pursuant to Section 2.2-3711.A.7 of the Code of Virginia, 1950, As Amended, for the purpose of consultation with legal counsel pertaining to actual or probable litigation.

#### **VOTE:**

Aye – Vice Mayor Shull  
Council member Bowers  
Council member Fravel

Council member Grim  
Council member Harter  
Council member Hollis

Nay – None

Absent – None

ATTEST: \_\_\_\_\_  
Dianne L. MacMillan, CMC  
Town Clerk

**CERTIFICATION OF CLOSED MEETING**

**RESOLUTION**

Date: July 7, 2009

Motion By: Vice Mayor Shull

WHEREAS, the Council of the Town of Stephens City, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such Closed Meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

RECORDED ROLL CALL VOTE:

Aye – Mayor Ewing	Vice Mayor Shull	Council member Bowers
Council member Fravel	Council member Grim	
Council member Harter	Council member Hollis	

Nay – None

Abstain - None

Absent – None

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Dianne L. MacMillan, CMC, Town Clerk

No action was taken as a result of the Closed Session.

There being no further business, Council member Grim moved to adjourn at 8:35 p.m. and the motion carried.

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Ray E. Ewing, Mayor Ray Ewing

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Dianne L. MacMillan, CMC, Town Clerk